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Studies in International Law. By THOMAS ERSKINE HOLLAND, D.C.L. Oxford, The Clarendon Press, 1898. — viii, 314 pp.

This volume is not a systematic treatise on international law, but is, according to the author's description, "a collection of such by-studies of special points as are incidental to the continuous exploration and exposition of any great department of knowledge." The studies have, however, been grouped under the several heads of "The Law of War," "Illustrations of the System of International Law," "The Eastern Question" and "Biographical Sketches."

Professor Holland is of opinion that the time is not yet ripe for the codification of the laws and usages of war, but that the international definition of rules with reference to subjects on which agreement already exists is both possible and desirable. The great difficulty in the way of codification is the fact that the apparent interests of nations vary in accordance with the character of their respective establishments. Thus, the United States refused to adhere to the Declaration of Paris of 1856, because, while it forbade privateering, it permitted belligerent capture of private property at sea by national ships. It was a diversity of military interests that caused the failure of the Brussels conference of 1874. Nevertheless, there are many points as yet unsettled on which it should be possible to agree; and it is a matter of importance, when agreements are reached, to embody them in an international convention or declaration.

In an interesting chapter on "International Law and Acts of Parliament," the author reviews the question whether the English courts would enforce such an act, if it were plainly in conflict with international law; and he reaches the conclusion that they would, notwithstanding the apparently contrary views expressed by Lord Stowell and Dr. Lushington in cases of prize. On the other hand, he maintains that no act of Parliament, or decision given in accordance with its provisions, would relieve the country from liability for any results of the act, or decision, which may be injurious to the rights of other countries. Assuming this to be a correct exposition of the law of England,—and the presumptions are in its favor,—the law of England in this regard is the same as that of the United States, as laid down by the Supreme Court in the Chinese exclusion cases. In those cases it was not simply a rule of the law of nations, but an express treaty that was in question; and it was held that the act of Congress, as the later expression of the legislative will, must prevail with all courts and officials in the United States, though the nation might remain liable for the non-performance of its international obligations.

But, unquestionably, in any case in which there was room for it, the courts would give to a legislative act a construction in harmony with international law.

Professor Holland's *Studies* are both suggestive and instructive; and in many instances they relate to subjects upon which, although of present interest, information is not readily to be obtained. They therefore constitute, especially in their collective form, a valuable addition to the literature of international jurisprudence.

J. B. MOORE.

La Guerre sino-japonaise au point de vue du droit international.

Par NAGAO ARIGA, Professeur de Droit International à l'École Supérieure de Guerre de Tokio. Paris, A. Pedone, 1896. — xiii, 310 pp.

Cases on International Law during the Chino-Japanese War.

By SAKUYÉ TAKAHASHI, Professor of Law in the Imperial Naval Staff College of Japan, etc. Cambridge, The University Press, 1899. — xxviii, 219 pp.

The author of the first of these interesting works has held since 1891 the post of professor of international law at the Superior School of War at Tokio. In October, 1894, he was ordered to accompany the second Japanese army, in the war with China, as legal counsellor to the commander; and he was present in this capacity at the battles of Kinchow, Port Arthur and Wei-hai-wei. In the treatment, therefore, of many of the subjects which he discusses, he bore a personal part.

When the war with China began, Japan had already, to a considerable extent, acknowledged as obligatory the laws of war observed by the nations of the West. In August, 1870, during the war between France and Germany, she issued a declaration of neutrality.¹ Some years later a society similar to that of the Red Cross was established; and in 1886 the emperor formally adhered to the Geneva Convention of 1864. By an imperial decree of March 19, 1887, the rules of maritime law embodied in the Declaration of Paris of 1856 were declared to be in force in the empire. Professor Ariga does not claim, however, that in the war against China all the humane rules advocated in recent times by enlightened publicists were strictly carried out by Japan. The situation was complicated by the fact that the two belligerents did not stand in this regard on common ground.

¹ Foreign Relations of the United States, 1870, p. 188.